

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

SARA PICKETT
Plaintiff

v.

NORTH CHRISTOPHER MENGES,
ET AL.
Defendants

: No. 1:224-CV-00537-DFB
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FILED
HARRISBURG, PA

APR 02 2025

PER JK
DEPUTY CLERK

DEFENDANT BRUCE HEXTER'S MOTION TO DISMISS
PLAINTIFF'S PRO SE COMPLAINT
PURSUANT TO FED. R. CIV. P. 12(b)(6)

Defendant, Bruce Hexter, *Pro Se* ("moving defendant"), files this Motion to Dismiss Plaintiff's *Pro Se* Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6).

Fed. R. Civ. P. 12(b)(6) provides for the dismissal of a Complaint for failure to state a claim upon which relief may be granted. The purpose of a 12(b)(6) motion is to test the legal sufficiency of the complaint and to "streamline litigation by dispensing with needless discovery and fact finding." *Neitzke v. Williams*, 490 U.S. 319, 326-27 (1989). To avoid dismissal under Rule 12(b)(6), a complaint must provide "enough factual matter" to allow the case to move beyond the pleading stage of litigation; the pleader must "nudge his claims across the line from conceivable to plausible." *Phillips v. Cnty. of Alleghany*,

515 F.3d 224, 234-35 (3d Cir. 2008) (quoting *Bell Atlantic Co. v. Twombly*, 550 U.S. 544, 556 (2007)). “[A] plaintiff’s obligation to provide the ‘grounds’ of his ‘entitlement’ to relief requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do.” *Twombly*, 550 U.S. at 555. “Threadbare recitals of the elements of a cause of action, supported by conclusory statements [are] not suffic[ient] to defeat a Rule 12(b)(6) motion to dismiss.” *Ashcroft v. Iqbal*, 556 U.S. 662 (2009).

For the reasons stated herein, as well as those reasons more fully articulated in moving defendant’s Supporting Brief, which is incorporated herein by reference, moving defendant respectfully requests that this Honorable Court grant its Motion and dismiss all claims asserted against moving defendant in plaintiff’s *Pro Se* Complaint.

Respectfully submitted,

Date: 4/2/2025

By: /s/ Bruce Hexter

Bruce Hexter, *Pro Se*
1472 Bramblewood Court
Pottstown, PA 19646

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SARA PICKETT : No. 1:224-CV-00537-DFB
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NORTH CHRISTOPHER MENGES, :
ET AL. :
Defendants :

CERTIFICATE OF SERVICE

I, Bruce Hexter, *Pro Se*, do hereby certify that I served a copy of the foregoing Motion to Dismiss Plaintiff's Amended *Pro Se* Complaint on behalf of Defendant, Bruce Hexter, via Electronic Case Filing, and/or by placing a copy in the United States mail, first class in Harrisburg, Pennsylvania, and/or by hand delivery, addressed to the following:

Address 1: Sara Pickett, *Pro Se*
P.O. Box 6
Strasburg, PA 17597

Address 2: Sara Pickett, *Pro Se*
P.O. Box 361
Pine Grove, PA 17963

Smart Communications/PADOC
Kristopher Hexter
Inmate # QL504
SCI Phoenix
PO Box 33028
St. Petersburg, FL 33733

Date: 4/2/2025

Respectfully submitted,

By: /s/ Bruce Hexter

Bruce Hexter, *Pro Se*
1472 Bramblewood Court
Pottstown, PA 19646